

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DENNIS MERRIMON WATERS,)	
Petitioner,)	Case No. 7:13cv00568
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	By: Norman K. Moon
Respondent.)	United States District Judge

Petitioner Dennis Merrimon Waters filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter is currently before me on respondent's motion for summary judgment (Docket No. 23). Waters challenges the validity of his mandatory life sentence imposed pursuant to 21 U.S.C. § 851, arguing that two of his qualifying predicate offenses no longer qualify in light of *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011). Although, the United States agrees with Waters, granting relief in this case would be contrary to circuit precedent. *See In Re Jones*, 226 F.3d 328, 333-34 (4th Cir. 2000). However, a case substantially similar to Waters' case is currently pending with the United States Court of Appeals for the Fourth Circuit. *United States v. Surratt*, No. 14-6851 (4th Cir. Dec. 2, 2015) (order granting *reh'g en banc*). Because the outcome of *Surratt* affects the disposition of this case, it is hereby **ORDERED** that this action is **STAYED**. Respondent shall notify the court within thirty days of the Fourth Circuit's mandate in *Surratt* and advise the court as to its impact on this case.

The Clerk shall send a copy of this order to the parties.

ENTER: This 15th day of April, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE